



HOUSE BILL No. 1448(ts)

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-2.5-5-27; IC 9-17-3-7; IC 35-33-1-1; IC 35-42-4-7; IC 35-48-4; IC 35-50-2-4.

Synopsis: Technical session corrections. Conforms a provision intended to temporarily impose the sales tax on natural gas sold to fuel motor vehicles that provide public transportation for persons or property to the changes in terminology made in HEA 1180-2014 concerning natural gas, propane, and butane used as motor fuel. Resolves a conflict concerning conflicting effective dates in certain provisions affecting the bureau of motor vehicles. Permits a law enforcement officer who has probable cause to arrest a person who has committed theft, even if the theft was not committed in the officer's presence. Corrects an internal reference concerning the penalty for child seduction. Specifies when certain weight related drug enhancements apply, and conforms certain weight related provisions related to possession of marijuana and hashish to other drug offenses. Makes the penalty for a Level 1 felony committed by a credit restricted felon the same as the penalty for a Class A felony committed by a credit restricted felon.

Effective: January 1, 2014 (retroactive); July 1, 2014; January 1, 2015.

**Steuerwald, McMillin, Lawson L,
Pierce**

Rules suspended, June 17, 2014, read first time.



Second Regular Technical Session of the 118th General Assembly (2014)(ts)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session of the General Assembly.

HOUSE BILL 1448(ts)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-2.5-5-27, AS AMENDED BY P.L.277-2013,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2014 (RETROACTIVE)]: Sec. 27. (a) Except as
4 provided in subsection (b), transactions involving tangible personal
5 property and services are exempt from the state gross retail tax, if the
6 person acquiring the property or service directly uses or consumes it in
7 providing public transportation for persons or property.
8 (b) Except as provided in subsection (c), a transaction involving
9 ~~alternative fuel (as defined by IC 6-6-2.5-1)~~ **a natural gas product (as**
10 **defined by IC 6-6-2.5-16.5)** acquired:
11 (1) after December 31, 2013, and before January 1, 2017; and
12 (2) to fuel a motor vehicle used in providing public transportation
13 for persons or property;
14 is not exempt from the state gross retail tax.
15 (c) Subsection (b) does not apply to transactions involving
16 ~~alternative fuel~~ **a natural gas product** purchased by a public

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1 transportation corporation to fuel a motor vehicle used to provide
2 public transportation for persons.

3 SECTION 2. IC 9-17-3-7, AS AMENDED BY P.L.92-2013,
4 SECTION 42, AS AMENDED BY P.L.158-2013, SECTION 138,
5 AND AS AMENDED BY P.L.217-2014, SECTION 16, IS AMENDED
6 AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2014]: Sec. 7. (a) This section does not apply to section 5 of this
8 chapter.

9 (b) *Except as provided in subsection (c), sections 3.2(b) and 3.4(d)*
10 *of this chapter*, a person who violates this chapter commits a Class C
11 infraction.

12 ~~(c) A person who knowingly or intentionally violates:~~

13 ~~(1) section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) 3.4(a)(1) or~~
14 ~~3.4(a)(2) of this chapter commits a Class B misdemeanor; or~~

15 ~~(2) section 3(a)(3) of this chapter commits:~~

16 ~~(A) a Class A misdemeanor for the first violation; or~~

17 ~~(B) a Level 6 felony for the second violation or any subsequent~~
18 ~~violation.~~

19 SECTION 3. IC 35-33-1-1, AS AMENDED BY P.L.171-2011,
20 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2014]: Sec. 1. (a) A law enforcement officer may arrest a
22 person when the officer has:

23 (1) a warrant commanding that the person be arrested;

24 (2) probable cause to believe the person has committed or
25 attempted to commit, or is committing or attempting to commit,
26 a felony;

27 (3) probable cause to believe the person has violated the
28 provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1),
29 IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;

30 (4) probable cause to believe the person is committing or
31 attempting to commit a misdemeanor in the officer's presence;

32 (5) probable cause to believe the person has committed a:

33 (A) battery resulting in bodily injury under IC 35-42-2-1; or

34 (B) domestic battery under IC 35-42-2-1.3.

35 The officer may use an affidavit executed by an individual alleged
36 to have direct knowledge of the incident alleging the elements of
37 the offense of battery to establish probable cause;

38 (6) probable cause to believe that the person violated
39 IC 35-46-1-15.1 (invasion of privacy);

40 (7) probable cause to believe that the person violated
41 IC 35-47-2-1 (carrying a handgun without a license) or
42 IC 35-47-2-22 (counterfeit handgun license);



(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) probable cause to believe that the person has committed theft (IC 35-43-4-2);

~~(11)~~ (12) a removal order issued for the person by an immigration court;

~~(12)~~ (13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

~~(13)~~ (14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

SECTION 4. IC 35-33-1-1, AS AMENDED BY P.L.226-2014(ts), SECTION 3, AND AS AMENDED BY P.L.217-2014, SECTION 188, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

(1) a warrant commanding that the person be arrested;

(2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;

(3) probable cause to believe the person has violated the provisions of ~~IC 9-26-1-1(1)~~, ~~IC 9-26-1-1(2)~~, ~~IC 9-26-1-2(1)~~, ~~IC 9-26-1-2(2)~~, ~~IC 9-26-1-3~~, ~~IC 9-26-1-4~~, IC 9-26-1-1.1 or IC 9-30-5;



(4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;

(5) probable cause to believe the person has committed a:

(A) battery resulting in bodily injury under IC 35-42-2-1; or

(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) probable cause to believe that the person has committed theft (IC 35-43-4-2);

~~(12)~~ (12) a removal order issued for the person by an immigration court;

~~(13)~~ (13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

~~(14)~~ (14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.



SECTION 5. IC 35-42-4-7, AS AMENDED BY P.L.168-2014, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;

(2) is employed by a:

(A) school corporation;

(B) charter school;

(C) nonpublic school; or

(D) special education cooperative;

attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school;

(iii) nonpublic school; or

(iv) special education cooperative;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who attends the school or cooperative;

(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "mental health professional" means:

(1) a mental health counselor licensed under IC 25-23.6-8.5;

(2) a psychologist; or

(3) a psychiatrist.

(g) As used in this section, "military recruiter" means a member of



the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

(h) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(i) For purposes of this section, a person has a "professional relationship" with a child if:

(1) the person:

(A) has a license issued by the state or a political subdivision on the basis of the person's training and experience that authorizes the person to carry out a particular occupation; or

(B) is employed in a position in which counseling, supervising, instructing, or recruiting children forms a significant part of the employment; and

(2) the person has a relationship with a child that is based on the person's employment or licensed status as described in subdivision (1).

The term includes a relationship between a child and a mental health professional or military recruiter. The term does not include a coworker relationship between a child and a person described in subdivision (1)(B).

(j) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(k) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(l) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(m) If a person who:

(1) is at least eighteen (18) years of age; and

(2) is the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction. ~~a Level 6 felony. However, the offense is a Level 5 felony if the person engages in sexual~~



intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child:

(n) A person who:

(1) has or had a professional relationship with a child at least sixteen (16) years of age but less than eighteen (18) years of age whom the person knows to be at least sixteen (16) years of age but less than eighteen (18) years of age;

(2) may exert undue influence on the child because of the person's current or previous professional relationship with the child; and

(3) uses or exerts the person's professional relationship to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person;

commits child seduction.

(o) A law enforcement officer who:

(1) is at least five (5) years older than a child who is:

(A) at least sixteen (16) years of age; and

(B) less than eighteen (18) years of age;

(2) has contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child; and

(3) uses or exerts the law enforcement officer's professional relationship with the child to engage with the child in:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5); or

(C) any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the law enforcement officer;

commits child seduction.

(p) In determining whether a person used or exerted the person's professional relationship with the child to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the intent to arouse or satisfy the sexual desires of the child or the person under this section, the trier of fact may consider one (1) or more of the following:

(1) The age difference between the person and the child.

(2) Whether the person was in a position of trust with respect to the child.

(3) Whether the person's conduct with the child violated any ethical obligations of the person's profession or occupation.



(4) The authority that the person had over the child.

(5) Whether the person exploited any particular vulnerability of the child.

(6) Any other evidence relevant to the person's ability to exert undue influence over the child.

(q) Child seduction under this section is:

(1) a Level 6 felony if the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of:

(A) the child; or

(B) the person or law enforcement officer; and

(2) a Level 5 felony if the person or law enforcement officer engaged in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the child.

SECTION 6. IC 35-48-4-1, AS AMENDED BY P.L.168-2014, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine or a narcotic drug, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.



(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or

(2) the amount of the drug involved is **at least one (1) gram but** less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams; or

(2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.

SECTION 7. IC 35-48-4-1.1, AS AMENDED BY P.L.168-2014, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or

(2) the amount of the drug involved is **at least one (1) gram but** less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams;



- (2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies; or
- (3) the person is manufacturing the drug and the manufacture results in an explosion causing serious bodily injury to a person other than the manufacturer.

SECTION 8. IC 35-48-4-2, AS AMENDED BY P.L.168-2014, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

- (1) knowingly or intentionally:

- (A) manufactures;
- (B) finances the manufacture of;
- (C) delivers; or
- (D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic drug; or

- (2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, salvia, or a synthetic drug;

commits dealing in a schedule I, II, or III controlled substance, a Level 6 felony, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

- (c) The offense is a Level 5 felony if:

- (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
- (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

- (d) The offense is a Level 4 felony if:

- (1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or
- (2) the amount of the drug involved is **at least one (1) gram but less than five (5) grams** and an enhancing circumstance applies.

- (e) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least ten (10) but less



- 1 than twenty-eight (28) grams; or
 2 (2) the amount of the drug involved is at least five (5) but less
 3 than ten (10) grams and an enhancing circumstance applies.
 4 (f) The offense is a Level 2 felony if:
 5 (1) the amount of the drug involved is at least twenty-eight (28)
 6 grams; or
 7 (2) the amount of the drug involved is at least ten (10) but less
 8 than twenty-eight (28) grams and an enhancing circumstance
 9 applies.

10 SECTION 9. IC 35-48-4-3, AS AMENDED BY P.L.168-2014,
 11 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 3. (a) A person who:

- 13 (1) knowingly or intentionally:
 14 (A) manufactures;
 15 (B) finances the manufacture of;
 16 (C) delivers; or
 17 (D) finances the delivery of;
 18 a controlled substance, pure or adulterated, classified in schedule
 19 IV; or
 20 (2) possesses, with intent to manufacture or deliver, a controlled
 21 substance, pure or adulterated, classified in schedule IV;
 22 commits dealing in a schedule IV controlled substance, a Class A
 23 misdemeanor, except as provided in subsections (b) through (f).

24 (b) A person may be convicted of an offense under subsection (a)(2)
 25 only if there is evidence in addition to the weight of the drug that the
 26 person intended to manufacture or deliver the controlled substance.

- 27 (c) The offense is a Level 6 felony if:
 28 (1) the amount of the drug involved is at least one (1) gram but
 29 less than five (5) grams; or
 30 (2) the amount of the drug involved is less than one (1) gram and
 31 an enhancing circumstance applies.

- 32 (d) The offense is a Level 5 felony if:
 33 (1) the amount of the drug involved is at least five (5) but less
 34 than ten (10) grams; or
 35 (2) the amount of the drug involved is **at least one (1) gram but**
 36 **less than five (5) grams** and an enhancing circumstance applies.

- 37 (e) The offense is a Level 4 felony if:
 38 (1) the amount of the drug involved is at least ten (10) but less
 39 than twenty-eight (28) grams; or
 40 (2) the amount of the drug involved is at least five (5) but less
 41 than ten (10) grams and an enhancing circumstance applies.

- 42 (f) The offense is a Level 3 felony if:



- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 10. IC 35-48-4-4, AS AMENDED BY P.L.168-2014, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who:

- (1) knowingly or intentionally:

- (A) manufactures;
- (B) finances the manufacture of;
- (C) delivers; or
- (D) finances the delivery of;

a controlled substance, pure or adulterated, classified in schedule V; or

- (2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

a controlled substance, pure or adulterated, classified in schedule V;

commits dealing in a schedule V controlled substance, a Class B misdemeanor, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

- (c) The offense is a Class A misdemeanor if:

- (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
- (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

- (d) The offense is a Level 6 felony if:

- (1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or
- (2) the amount of the drug involved is **at least one (1) gram but less than five (5) grams** and an enhancing circumstance applies.

- (e) The offense is a Level 5 felony if:

- (1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least five (5) but less



1 than ten (10) grams and an enhancing circumstance applies.

2 (f) The offense is a Level 4 felony if:

3 (1) the amount of the drug involved is at least twenty-eight (28)
4 grams; or

5 (2) the amount of the drug involved is at least ten (10) but less
6 than twenty-eight (28) grams and an enhancing circumstance
7 applies.

8 SECTION 11. IC 35-48-4-6.1, AS AMENDED BY P.L.168-2014,
9 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2014]: Sec. 6.1. (a) A person who, without a valid prescription
11 or order of a practitioner acting in the course of the practitioner's
12 professional practice, knowingly or intentionally possesses
13 methamphetamine (pure or adulterated) commits possession of
14 methamphetamine, a Level 6 felony, except as provided in subsections
15 (b) through (d).

16 (b) The offense is a Level 5 felony if:

17 (1) the amount of the drug involved is at least five (5) but less
18 than ten (10) grams; or

19 (2) the amount of the drug involved is less than five (5) grams and
20 an enhancing circumstance applies.

21 (c) The offense is a Level 4 felony if:

22 (1) the amount of the drug involved is at least ten (10) but less
23 than twenty-eight (28) grams; or

24 (2) the amount of the drug involved is at least five (5) but less
25 than ten (10) grams and an enhancing circumstance applies.

26 (d) The offense is a Level 3 felony if:

27 (1) the amount of the drug involved is ~~more than~~ **at least**
28 twenty-eight (28) grams; or

29 (2) the amount of the drug involved is at least ten (10) but less
30 than twenty-eight (28) grams and an enhancing circumstance
31 applies.

32 SECTION 12. IC 35-48-4-11, AS AMENDED BY P.L.168-2014,
33 SECTION 102, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:

35 (1) knowingly or intentionally possesses (pure or adulterated)
36 marijuana, hash oil, hashish, or salvia;

37 (2) knowingly or intentionally grows or cultivates marijuana; or

38 (3) knowing that marijuana is growing on the person's premises,
39 fails to destroy the marijuana plants;

40 commits possession of marijuana, hash oil, hashish, or salvia, a Class
41 B misdemeanor, except as provided in subsections (b) through (c).

42 (b) The offense described in subsection (a) is a Class A



1 misdemeanor if the person has a prior conviction for a drug offense.

2 (c) The offense described in subsection (a) is a Level 6 felony if:

3 (1) the person has a prior conviction for a drug offense; and

4 (2) the person possesses:

5 (A) at least thirty (30) grams of marijuana; or

6 (B) at least ~~two (2)~~ **five (5)** grams of hash oil, hashish, or
7 salvia.

8 ~~in any thirty (30) day period.~~

9 SECTION 13. IC 35-50-2-4, AS AMENDED BY P.L.168-2014,
10 SECTION 113, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person who commits a
12 Class A felony (for a crime committed before July 1, 2014) shall be
13 imprisoned for a fixed term of between twenty (20) and fifty (50) years,
14 with the advisory sentence being thirty (30) years. In addition, the
15 person may be fined not more than ten thousand dollars (\$10,000).

16 (b) **Except as provided in subsection (c)**, a person who commits
17 a Level 1 felony (for a crime committed after June 30, 2014) shall be
18 imprisoned for a fixed term of between twenty (20) and forty (40)
19 years, with the advisory sentence being thirty (30) years. In addition,
20 the person may be fined not more than ten thousand dollars (\$10,000).

21 (c) **A person who commits a Level 1 felony child molesting**
22 **offense described in:**

23 (1) IC 35-31.5-2-72(1); or

24 (2) IC 35-31.5-2-72(2);

25 **shall be imprisoned for a fixed term of between twenty (20) and**
26 **fifty (50) years, with the advisory sentence being thirty (30) years.**
27 **In addition, the person may be fined not more than ten thousand**
28 **dollars (\$10,000).**

29 SECTION 14. [EFFECTIVE JULY 1, 2014] **Notwithstanding the**
30 **effective date in P.L.217-2014, SECTION 14, for IC 9-17-3-3.2, and**
31 **P.L.217-2014, SECTION 15, for IC 9-17-3-3.4, the effective date of**
32 **each of those SECTIONS is July 1, 2014, and not January 1, 2015.**

33 SECTION 15. **An emergency is declared for this act.**

